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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	09/752,644
Filing Date	December 29, 2000
First Named Inventor	Pankaj Kedia
Art Unit	2116
Examiner Name	Chen, Tse W.

Total Number of Pages in This Submission	18	Attorney Docket Number	42390P10226

ENCLOSURES   *(check all that apply)*

- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☐ Amendment / Response
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
  - ☐ PTO/SB/08
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Basic Filing Fee
  - ☐ Declaration/POA
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)
  - ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☒ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) *(please identify below):*

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gordon R. Lindeen III, Reg. No. 33,192 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	*[signature]*
Date	September 1, 2006

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Typed or printed name	Debbie Casias		
Signature	Debbie Casias	Date	September 1, 2006

FEE TRANSMITTAL
for FY 2005
Patent fees are subject to annual revision.

Complete if Known	
Application Number	09/752,644
Filing Date	December 29, 2000
First Named Inventor	Pankaj Kedia
Examiner Name	Chen, Tse W.
Art Unit	2116
Attorney Docket No.	42390P10226

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT	($)	500.00

METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666   Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

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under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

	SUBTOTAL (2)	($)	500.00

SUBMITTED BY

				Complete (if applicable)	
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Signature				Date	09/01/06
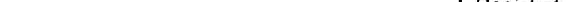
Our Docket No.: 42390P10226

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Pankaj Kedia)	Examiner: Chen, Tse W.
)	
Application No.: 09/752,644)	Art Group: 2116
)	
Filed: December 29, 2000)	
)	
For: Low Power Subsystem For)	
Portable Computers)	

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P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant (hereinafter "Appellant") hereby submits this Appeal Brief (hereinafter "Brief") in support of its appeal from a final decision by the Examiner, mailed April 13, 2006, in the above-referenced Application. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences (hereinafter "Board") for allowance of the above-captioned patent application.

An oral hearing is not desired.

TABLE OF CONTENTS

I.   REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College

Boulevard, Santa Clara, California 95052.

II.   RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences

related to the present appeal that will directly affect, be directly affected by, or have a

bearing on the Board's decision.

III.   STATUS OF THE CLAIMS

Claims 29-56 are currently pending in the above-referenced application. No

claims have been allowed. All pending claims were rejected in the Final Office Action

mailed April 13, 2006, and are the subject of this appeal.

Claims 51-56 stand rejected under 35 U.S.C. § 112, first paragraph.

Claim 34 stands rejected under 35 U.S.C. § 112, second paragraph

All pending claims stand rejected under 35 U.S.C. § 103.

IV.   STATUS OF AMENDMENTS

In response to the Final Office Action mailed on April 13, 2006, rejecting claims

29-56, Appellant timely filed a Notice of Appeal on July 13, 2006.

A copy of all claims on appeal is attached hereto as Appendix A.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 29 refers to a method with the following elements:

transitioning a central processing unit (CPU) 102 of a computer system 100 into a low power mode, the computer system having a computer system memory 103, *(See e.g. Specification, page 3, lines 12-15)*

activating a low-power subsystem 110 that is independent of the CPU when the CPU transitions into the low-power mode; *(See e.g. Specification, page 3, lines15-20)*

receiving verbal instructions 210 from a user through a wireless headset, the wireless headset being coupled to the low-power subsystem 110 through a wireless interface 116, 130 of the low-power subsystem; *(See e.g. Specification, page 6, lines 9-14)*

independent of the CPU, interpreting the verbal instructions 220, 230 from the user at a speech recognition unit 115 of the low-power subsystem; *(See e.g. Specification, page 6, lines15-18)*and

independent of the CPU and in response to the verbal instructions 240, accessing data contained within the computer system memory using a processor of the low-power subsystem *(See e.g. Specification, page 6, lines 15-18,)*.

Claim 38 refers to an apparatus with the following elements:

a computer system 100 *(See e.g. Specification, page 4, lines 9-page 5, line 13)*; and

a low-power subsystem 110 *(See e.g. Specification, page5, lines 14-page 6, line 5)* in operation when the computer system enters a low power mode including

a wireless interface 116, 130 to receive verbal instruction 210 from a user through a wireless headset coupled to the wireless interface, *(See e.g. Specification, page 6, lines 9-14)*

the low-power subsystem having a speech recognition unit 115 to interpret 220, 230 the verbal instructions from the user *(See e.g. Specification, page 6, lines15-18)*

and a processor 111 to provide access 240 to the computer system 100 in response to the verbal instructions *(See e.g. Specification, page 6, lines 15-18,)*.

Claim 51 is directed to a low power subsystem with the following elements:

a wireless interface 116, 130 to receive verbal instruction 210 from a user through a wireless headset coupled to the wireless interface; *(See e.g. Specification, page 6, lines 9-14)*

a speech recognition unit 115 to interpret 220, 230 the verbal instructions received from the user through the wireless interface; *(See e.g. Specification, page 6, lines15-18)* and

a processor 111 coupled to the speech recognition unit, the processor providing access 240 to a computer system when the computer system in a low power mode in response to verbal instructions from the speech recognition unit *(See e.g. Specification, page 6, lines 15-18,)*.

A valuable context for the present invention is present in the specification in the following paragraphs:

[0001] The modern trend in electrical appliances is mobility. People want to be able to use an electrical device from where they are at that instant. They want to be able to call people from anyplace they happen to be, hence the cell phone. They want to be able to listen to their own music no matter where they are, hence the portable compact disc player. They also want to be able to use their computer from almost anywhere, hence the notebook computer. The current design of the notebook computer has made this difficult. Specifically, using a computer while the subject is moving is currently exceedingly awkward.

[0002] The difficulty is related to the current design of notebook computers. The limited life of notebook computer batteries only allows for the computer to be on for a limited time. Battery conservation techniques include running the notebook in a state in which the central processing unit (CPU) is not active to conserve energy. Full access and control of a notebook's functionality often requires it to be in the open position, where the display screen and keyboard are at a right angle from each other. This L-shaped

position is more difficult to carry around than the closed position. These difficulties become even more apparent in efforts to use notebooks as a method to electronically purchase items in a store. A further difficulty is created when attempting to either listen to or view multimedia entertainment data while either moving about or in a confined area, such as an airplane.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 51-56 stand rejected under 35 U.S.C. § 112, first paragraph. Claim 51 is claimed to lack support in the specification.

Claims 29, 33, 36-38 and 43-50 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Ditzik, U.S. Patent No. 5,983,073, ("Ditzik"), in view of Kim, U.S. Patent No. 6,044,473, ("Kim"), and White, U.S. Patent No. 6,594,632 ("White").

The remaining obviousness rejections rely on Ditzik, Kim, White rejection. Only the first obviousness rejection is to be reviewed.

VII. ARGUMENT

A. Claim 51 is supported not only by the explicit teachings of the originally filed specification, but also by the original claims.

Claim 51, recites in part, "the processor providing access to a computer system when the computer system is in a low power mode in response to verbal instructions from the speech recognition unit."

As to the specification:

"The processor"   The specification, paragraph 11 refers to "the low-power subsystem includes a processor."

"Providing access to a computer system"   Paragraph 14 describes the low-power subsystem accessing the computer system based on verbal instructions.

"When the computer system is in a low power mode"   In paragraph 11, "the LPS [Low Power Subsystem] is activated when the notebook enters low power mode." "In a further embodiment the LPS would be voice activated." In paragraph 13, "while the computer was in low power mode, the user would issue commands through the headset 210." Paragraph 14 describes types of information and locations that a shared database would have access to when the notebook is in a "closed powered down position" or " low power mode."

In another context in paragraph 16 listening to and viewing data are described as being done "while the notebook is in low power mode." Listening to and viewing data are the same operations that are provided as examples in paragraph 13 in the context of verbal commands such as "play music" or "display map."

"In response to verbal instructions from the speech recognition unit"   In paragraph 11, "A speech recognition unit may be provided to decode verbal instructions given to the low-power embedded subsystem by the user." As shown in Figure 1b, this speech recognition unit 115 is in the low power subsystem 110. Paragraph 12 refers to the low-power system "to receive verbal instructions from the user," and "the user speaks

instructions into a headset that includes a microphone. The low-power embedded subsystem may use voice recognition software to interpret the instructions of the user."

The Board is also referred to, for example, originally filed Claim 1, "after the processing unit has transitioned into the low power mode, accessing data contained within a memory device of the computing system, via a low-power subsystem." The other original independent claims contain similar recitations.

These sections clearly support the recitations of Claim 51.

B. **The claims cannot be anticipated by references that fail to provide all of the elements of the rejected claims.**

The prosecution of the application has focused primarily on Claim 29 and accordingly, only Claim 29 is discussed below. Applicants submit that, if Claim 29 is allowable on the grounds discussed below, then all of the claims are allowable.

The Examiner rejected claims 29, 33, 36-38, 43-44, 46 and 48-50 under 35 U.S.C. §103 (a) as being unpatentable over Ditzik, U.S. Patent No. 5,983,073 ("Ditzik"), in view of Kim, U.S. Patent No. 6,044,473 ("Kim"), in further view of White, U.S. Patent No. 6,594,632 ("White").

Ditzik shows a grouping that combines a notebook computer, tablet computer, cellular telephone and an earset. The Examiner has identified the cellular telephone 14 as the low power subsystem of the computer. The Examiner then suggests that a user of the Ditzik device can access data within the computer system memory using the cellular telephone. However, the reference does not support such a suggestion.

According to Ditzik, there are two ways in which the cellular telephone and the computer can interact (other than as a handy storage bin at Column 5, line 60). The first is that the computer can access outside WANs or the Internet through the cellular telephone's radio (2:57-65, 6:9-11). This would probably be done while the computer is in an active high power mode. Ditzik also refers to performing "communications" when the lid of the computer is closed but there is no explanation of what those "communications" may be (9:55). Perhaps it is when the "base unit" acts as a higher power repeater station for the cellular telephone (13-24-30). For speech recognition by the computer, Ditzik uses a microphone in the computer section, not the cellular telephone (6:49, 8:8). This microphone would be operational only when the computer section is powered up.

The earset 34 is a simple analog device with no processor (8:22-25) and the only function that is clearly described is for voice communications through the radio network to other people (Column 8).

The Examiner has found an inherent suggestion of a wireless interface to transform verbal commands to CDMA signals for communication. However, since Ditzik runs all CDMA voice communications through the telephone, there is nothing in Ditzik to suggest that this is not done in the cellular telephone 14 in the conventional manner.

The Examiner has also found an inherent suggestion of a processor to process data communication of a low power subsystem. However, there is further nothing in Ditzik to suggest that data communications are not all handled by the cellular telephone in the conventional manner and that the "base unit" is not simply an analog RF repeater, as suggested by the specification. There is nothing in the specification to suggest that the computer section performs any independent processing when acting as a repeater and there is no need for any such processing in conventional CDMA communications.

In brief, Ditzik does not show that the cellular telephone can be used to access any data in the notebook computer memory nor that this data can be accessed independent of the CPU or when the CPU is in a low-power mode. Ditzik further does not show a speech recognition unit in either the cellular telephone or the earset.

The Examiner turns to Kim to show a low-power mode, but Kim does not show that the computer memory can be accessed in a low-power mode in any way. Even if the low-power mode of Kim were added to Ditzik, there still would be no suggestion of accessing data in a low power mode, of accessing data independent of the CPU, nor of doing so using a speech recognition unit in the cellular telephone or the earset.

The Examiner turns to White for speech recognition. White shows a headset that sends audio to a computer. The computer then uses speech recognition to interpret the audio. Like Ditzik, White also fails to suggest accessing data independent of the CPU or when the CPU is in a low-power mode. In addition, the speech recognition unit of White is not in a low-power subsystem. It is in an analog radio headset.

Claim 29 contains a number of specific limitations, discussed above, which are not in any of the references. Combining the references cannot be relied upon to show elements which are absent from all of the references. Accordingly, the rejection is believed to be traversed. The other independent claims 38 and 51 recite similar limitations and are believed to be allowable for the reasons discussed above. The

remaining claims depend from one of claims 29, 38 or 51 and are believed to be allowable therfor, *inter alia*.

VIII. <u>CONCLUSION</u>

Appellant respectfully submits that all appealed claims in this application are patentable and were improperly rejected by the Examiner during prosecution before the United States Patent and Trademark Office. Appellant respectfully requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This Brief is submitted with a check for $500.00 to cover the appeal fee for one other than a small entity as specified in 37 C.F.R. § 1.17(c). Please charge any shortages and credit any overpayments to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: <u>September 1, 2006</u>

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IX. APPENDIX OF CLAIMS (37 C.F.R. § 41.37(c)(1)(viii))

29.   A method comprising:

transitioning a central processing unit (CPU) of a computer system into a low power mode, the computer system having a computer system memory,

activating a low-power subsystem that is independent of the CPU when the CPU transitions into the low-power mode;

receiving verbal instructions from a user through a wireless headset, the wireless headset being coupled to the low-power subsystem through a wireless interface of the low-power subsystem;

independent of the CPU, interpreting the verbal instructions from the user at a speech recognition unit of the low-power subsystem; and

independent of the CPU and in response to the verbal instructions, accessing data contained within the computer system memory using a processor of the low-power subsystem.

30.   The method of claim 29, wherein accessing data comprises accessing data through a shared database, the method further comprising storing at least a partial copy of data accessed from the computer system memory in the shared database.

31.   The method of claim 29, wherein the computer system memory comprises a disk drive unit.

32.   The method of claim 29, wherein the data contained in the shared database includes multimedia data.

33.   The method of claim 29, further comprising accessing data from a network via the wireless interface of the low-power subsystem.

34.   The method of claim 29, wherein the wireless headset comprises a BluetoothTM headset communicating with the low-power subsystem through a BluetoothTM interface of the wireless interface.

35.   The method of claim 33, wherein the network is an electronic store allowing an electronic purchase.

36.   The method of claim 29, further comprising presenting the data accessed to a user via a display of the low-power subsystem.

37.   The method of claim 29, further comprising presenting the data accessed to a user via an audio output of the wireless headset.

38.   An apparatus comprising:

a computer system; and

a low-power subsystem in operation when the computer system enters a low power mode including a wireless interface to receive verbal instruction from a user through a wireless headset coupled to the wireless interface, the low-power subsystem having a speech recognition unit to interpret the verbal instructions from the user and a processor to provide access to the computer system in response to the verbal instructions.

39.   The apparatus of Claim 38, wherein the low-power subsystem access the computer system through a shared database.

40.   The apparatus of claim 39, wherein the computer system further comprises:

a central processing unit (CPU);

a memory device coupled to the central processing unit; and

a disk drive unit coupled to the central processing unit.

41.   The apparatus of claim 40, wherein the shared database is coupled to the disk drive unit, the shared database to store at least a partial copy of data stored on the disk drive unit.

42.   The apparatus of claim 39, wherein data contained within the shared database includes multimedia data.

43.   The apparatus of claim 38, wherein the wireless interface of the low-power subsystem connects with a local area network.

44.   The apparatus of claim 38, wherein the low-power subsystem further comprises a video display to display data accessed from the computer system.

45.   The apparatus of claim 38, further comprising receiving commands at the computer system through the wireless interface as verbal instructions.

46.   The apparatus of claim 45, further comprising presenting the data accessed from the computer system through an audio headset as audio data transmitted from the wireless interface.

47.   The apparatus of claim 38, further comprising sending the data accessed from the computer system to a cellular phone.

48.   The apparatus of claim 38, wherein the computer system comprises a main screen and the low-power subsystem comprises a miniature display screen and wherein the miniature display screen is activated when the main screen is closed.

49.   The apparatus of claim 38, wherein the computer system comprises stored multimedia data, wherein the low-power subsystem accesses the stored multimedia data and wherein the low-power subsystem presents the multimedia data to a user through the wireless interface.

50.   The apparatus of claim 49, wherein the low-power subsystem presents the multimedia data to the user over a miniature display screen of the low-power subsystem.

51.   A low-power subsystem comprising:

a wireless interface to receive verbal instruction from a user through a wireless headset coupled to the wireless interface;

a speech recognition unit to interpret the verbal instructions received from the user through the wireless interface; and

a processor coupled to the speech recognition unit, the processor providing access to a computer system when the computer system in a low power mode in response to verbal instructions from the speech recognition unit.

52.   The low-power subsystem of claim 51 wherein the processor provides access to the computer system through a shared database coupled to the low-power subsystem and the computer system.

53.   The low-power subsystem of claim 52, wherein the shared database is coupled to the computer system to store at least a partial copy of data stored in the computer system.

54.   The low-power subsystem of claim 51, wherein the wireless interface further connects to an external network.

55.   The low-power subsystem of claim 51, further comprising presenting data accessed from the computer system through the a wireless interface to the wireless headset.

56.   The low-power subsystem of claim 51 further comprising a miniature display screen to present data accessed from the computer system to the user.

X. **<u>EVIDENCE APPENDIX</u>**

None.

XI. **<u>RELATED PROCEEDINGS APPENDIX</u>**

None.